

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

THEODORE C. SNURE,

Petitioner,

v.

WARDEN, et al.,

Respondents.

Case No. 3:11-cv-00344-MMD-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

On December 14, 2011, this Court entered an order dismissing with prejudice Grounds 2, 4, 6, 8, and 9 of the petition for failure to state a cognizable claim for federal habeas relief. (Dkt. no. 18.) In the same order, the Court ruled that the petition was a mixed petition, as Grounds 1, 3, and 5 of the petition were unexhausted, but Ground 7 was exhausted. (*Id.*) The Court gave petitioner the option of abandoning his unexhausted claims and proceeding on his exhausted claims, or in the alternative, to seek a stay under *Rhines v. Weber*, 544 U.S. 269 (2005). Petitioner moved for the issuance of stay and abeyance order under *Rhines v. Weber*. (Dkt. no. 19). By order filed March 16, 2012, this Court granted petitioner's motion for a stay and this case was administratively closed. (Dkt. no. 22.)

1 Petitioner's further state-court proceedings having concluded,<sup>1</sup> petitioner has now  
2 returned to this Court seeking to reopen this case. (Dkt. no. 26.) Although petitioner's  
3 motion to reopen indicates that it was served on respondents, the respondents have not  
4 filed a response to petitioner's motion. Good cause appearing, this action is reopened  
5 and the Court now sets a further briefing schedule for this action.


6 It is therefore ordered that petitioner's motion to reopen this action (dkt. no. 26) is  
7 granted. The Clerk shall reopen the file in this action.

8 It is further ordered that respondents shall have forty-five (45) days following the  
9 date of entry of this order within which to answer, or otherwise respond to, the  
10 remaining grounds of the petition on file (dkt. no. 4).

11 It is further ordered that petitioner shall have forty-five (45) days following service  
12 of the answer to file and serve a reply brief. If a dispositive motion is filed in response to  
13 the petition, the parties shall brief the motion in accordance with Local Rule 7-2.

14 It is further ordered that the parties shall send courtesy (paper) copies of any  
15 further exhibits filed in this action to the Reno Division of this Court. Courtesy copies  
16 shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed  
17 to the attention of "Staff Attorney" on the outside of the mailing address label.

18 DATED THIS 20<sup>th</sup> day of January 2015.

19   
20 \_\_\_\_\_  
21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
23  
24  
25

26 \_\_\_\_\_  
27 <sup>1</sup>On March 12, 2014, the Nevada Supreme Court affirmed the denial of  
28 petitioner's most recent post-conviction petition. Remittitur issued on April 9, 2014. This  
information was obtained from the Appellate Case Management System found at  
<http://supreme.nvcourts.gov>.